



Posted: 05/26/2010 NF

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**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING NOTICE:</b>	<b>CONTROLLED SUBSTANCE COMMITTEE</b>
<b>DATE AND TIME:</b>	<b>Wednesday, February 24 at 10:00 a.m.</b>
<b>PLACE:</b>	<b>Buena Vista, Dining Room, 661 S. DuPont Highway, New Castle, Delaware 19720</b>
<b>APPROVED:</b>	May 26, 2010

**MEMBERS PRESENT**

Michael Kremer, DMD, Dental Representative, President  
Luis Garcia, Jr., DPM, Podiatric Representative, Vice President  
Philip Kim, M.D., Medical Representative  
Ann Dominick, APN, Nursing Representative  
Howard Simon, R.Ph, Pharmacy Representative  
Bonnie Wallner, R.Ph., Pharmacy Representative  
Robert Flanagan, DVM, Vet Representative  
Stephen Ruggles, PA-C, PA Representative  
Mark Hanna, Public Representative  
David W. Dryden, R.Ph., J.D., Director Office of Controlled Substances

**MEMBERS ABSENT**

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Patricia Oliviae, Deputy Attorney General  
James Kaminski, R.Ph., Pharmacist Administrator

**ALSO PRESENT**

Donetta Spears, DEA  
Chief Agent Bruce DiVincenzo, ONDD  
Sheila Grant  
Jeanne Chiquoine  
Ann Rule  
M.J. Petin

**CALL TO ORDER**

Mr. Dryden called the meeting to order at 10:04 a.m.

**MEMBERS INTRODUCTIONS**

Member introductions were made.

**ELECTION OF OFFICERS**

Dr. Garcia nominated Dr. Kremer President. All were in favor.

Dr. Kremer nominated Dr. Garcia Vice President. All were in favor.

### **HISTORICAL REVIEW**

At the request of President Kremer, Mr. Dryden provided a brief history of the Uniform Controlled Substance Act, the scheduling of controlled substances, the Committee's origins and the workings of the Office of Controlled Substances.

### **DIRECTOR'S REPORT**

Mr. Dryden reviewed the consent order for Earl Bradley with the Committee. The DEA and Mr. Dryden will be meeting with the Attorney General's Office and the Delaware State Police on February 25, 2010 to review Bradley's office for medications.

### **REVIEW OF COMMITTEE RESPONSIBILITIES**

Mr. Dryden reviewed the responsibilities of the Committee. He first reviewed the overall Office registration, inspection and investigation processes. Mr. Dryden proceeded to explain the hearing procedure under the registration process. Mr. Dryden then reviewed the differences between Regulation and Statute and the Committee responsibilities and procedures for each. Under the regulation review, Mr. Dryden reported the recent raised issues with the identification of the presenter and pick up person requirement when controlled substances are dispensed at the pharmacy. The two issues raised were 1) the identification of both when presentation and pick up occur almost simultaneously and 2) nursing home identification at the time of drug drop off. Mr. Dryden explained that the reasoning for the identification requirements were to assist in law enforcement identification and ultimate prosecution. Documentation should show that the bearer and receiver is the same individual. Nursing home shows the process to be inner healthcare and has never been an investigative issue. The next Board of Pharmacy Newsletter that is forwarded to all licensed pharmacists will explain these identification issues. The Committee agreed to the above.

Dr. Kim brought up the issue of mail order identification. Ms. Dominick raised the issue of carrier identification. These issues will be reviewed by the Regulatory Committee.

Under the statute review, Mr. Dryden explained that the Committee could amend statute by making recommendations to the Secretary of State which could then be introduced in the form of a legislative Bill to either the Senate or the House. Once the amendment is passed by the General Assembly, the Bill is signed into law by the Governor. Mr. Dryden then reviewed the Prescription Monitoring Program, the present proposed disposal Bill and the tamper proof prescription blank issue. Mr. Dryden answered a question regarding verbal orders for controlled substances. Dr. Garcia requested that the FDA disposal guidelines be available for the next meeting.

### **NEW BUSINESS**

There was no new business at this time.

### **COMMITTEE REPORTS**

**Medical Examiner's Report** – No report.

**DEA Report – Donetta Spears:** - Ms. Spears reported that there were 4227 drug and chemical registrants, 4170 were Type A (practitioners) and 57 were Type B ( importers, distributors, etc).

Ms. Spears stated that Hydrocodone and Oxycodone remain to be the most abused controlled substances in the Philadelphia region.

Ms. Spears will obtain information about Soma for the next meeting for possible Committee/State scheduling. Ms. Spears reported that DEA headquarters is mandating both diversion and regulatory investigations and inspections. Buphenorphine prescribers will be inspected due to the increase in prescribing and usage in our State.

Registrants that have an address change do not always report the change. Penalties are being considered for those who do not report. Ms. Spears provided contact information of telephone (215) 238-5160 and web site.

#### **Substance Abuse Report –No report**

**Law Enforcement Report – Bruce DiVincenzo:** Chief Agent DiVincenzo reported a tremendous increase in drug diversion within the last few years. Chief DiVincenzo thanked the Committee for their Newsletter inclusion for patient identification.

**Regulatory Committee –** President Kremer requested anyone interested in being part of the regulatory committee should contact either he or Mr. Dryden for consideration.

**Legislative Committee –** President Kremer requested anyone interested in being part of the legislative committee should contact either he or Mr. Dryden for consideration.

#### **COMMITTEE CORRESPONDENCE**

None.

#### **INSPECTION REPORT**

Mr. Kaminski reviewed the authority of the inspection process under both Titles 16 and 24.

#### **OTHER BUSINESS BEFORE THE BOARD**

None.

#### **PUBLIC COMMENT**

Ms. Sheila Grant commented about underage siblings dropping off controlled substance prescriptions might not have identification which could cause treatment issues.

#### **NEXT SCHEDULED MEETING**

The next meeting will be held on Wednesday, May 26, 2009 at 10:00 a.m.

#### **Adjournment**

A motion was made by Dr. Garcia, seconded by Dr. Kremer, to adjourn the meeting. The motion unanimously carried. The meeting adjourned at 12:07 p.m.

Respectfully submitted,

David W. Dryden, R.Ph., Esq.